

**FILED**

**FEB 27 2013**

**New Jersey State Board of  
Massage and Bodywork  
Therapy Examiners**

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF MASSAGE AND BODYWORK  
THERAPY

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IN THE MATTER OF THE  
APPLICATION OF

YAN SHI

FINAL ORDER OF  
DENIAL OF CERTIFICATION

TO PRACTICE AS A  
MASSAGE AND BODYWORK THERAPIST  
IN THE STATE OF NEW JERSEY

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This matter was opened to the Board of Massage and Bodywork Therapy (the Board) upon receipt of information which the Board has reviewed and the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. The applicant, Yan Shi, applied to the Massage, Bodywork and Somatic Therapy Examining Committee for certification as a therapist by means of an application dated June 27, 2010.

2. On Ms. Shi's application, she checked "no" in response to the questions as to whether she had been arrested or charged with any violation of law, or convicted of any crime or offense.

3. Ms. Shi underwent a criminal history background check which indicated that she had been arrested on February 9, 2008 in Mineola for unauthorized practice of a profession and prostitution, and was convicted of disorderly conduct and conditionally discharged.

4. Ms. Shi indicated in a submission dated August 23, 2012 that she had checked "no" because her English is poor and she did not read clearly. In a separate submission, signed on May 16, 2011, Ms. Shi indicated that she checked "no" because she was misled by her legal counsel who told her she did not have to report anything unless she had committed a felony.

#### CONCLUSIONS OF LAW

1. Ms. Shi's failure to disclose on her application that she had been arrested on prostitution charges in 2008, an offense relating adversely to the practice of massage and bodywork therapy, constitutes a violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Denial of Certification was entered on November 15, 2012, provisionally denying Ms. Shi's application for certification, deemed to constitute an application for licensure as of September 4, 2012. A copy of the Order was forwarded to the applicant by certified and regular mail at her address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30<sup>th</sup> business day

following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting the applicant's request for consideration and reasons therefor.

Although the record reflects that the certified mailing of the Provisional Order was signed for, and the regular mailing was not returned, no response has been received to date. The Board found that service had been effected, inasmuch as the mailings had been sent to the applicant's address of record. The Board further found that as no material discrepancies had been raised with respect to the findings of fact and conclusions of law, additional proceedings were not necessary, and the Provisional Order should be made final.

ACCORDINGLY,

IT IS on this 27<sup>th</sup> DAY of February, 2013,

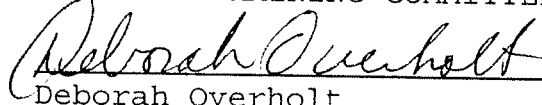
ORDERED that:

1. Ms. Shi's application for certification as a Massage, Bodywork and Somatic Therapist in New Jersey, which as of September 4, 2012, pursuant to P.L. 2007, c. 377, "The Massage and Bodywork Therapist Licensing Act," has been converted into an application for licensure, is hereby denied for the violation of

N.J.S.A. 45:1-21(b) .

MASSAGE, BODYWORK AND SOMATIC  
THERAPY EXAMINING COMMITTEE

By:

A handwritten signature in cursive script, reading "Deborah Overholt", written over a horizontal line.

Deborah Overholt  
Chairperson